

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
PETITION FOR
OFFENDER UNDER SUPERVISION**

Offender Name: David L. Kinney

Docket Number: 1:02CR05102-001 REC

Offender Address: San Diego, California

Judicial Officer: Honorable Robert E. Coyle
Senior United States District Judge
Fresno, California

Original Sentence Date: October 7, 2002

Original Offense: Counts 1 through 7: 18 USC 654, Conversion of Property While an Employee of the United States (CLASS C FELONIES)

Original Sentence: 10 months BOP; 3 years supervised release; \$700 special assessment; and \$34,107.06 restitution.

Special Conditions: 1) Search; 2) Not dissipate assets; 3) Financial disclosure; 4) No new lines of credit; 5) Mental health treatment.

Other Court Action: None

Type of Supervision: Supervised Release

Supervision Commenced: January 31, 2003

Assistant U.S. Attorney: Jonathan B. Conklin **Telephone:** (559) 497-4000

Defense Attorney: Eric V. Kersten **Telephone:** (559) 487-5561

PETITIONING THE COURT

[X] TERMINATE SUPERVISED RELEASE AS SCHEDULED WITH REMAINING RESTITUTION BALANCE.

Comments: Mr. Kinney was placed on supervised release on January 31, 2003; however, he was also serving a state sentence and was not released from state custody until May 18, 2003. Since that date, Mr. Kinney has complied with all conditions of supervised release and has remained arrest-free throughout his supervision. While on supervision, Mr. Kinney struggled to obtain employment and was only able to secure temporary jobs from which he was ultimately laid-off. In addition, Mr. Kinney began experiencing health problems which contributed to his financial difficulties. Due to his limited financial

resources, Mr. Kinney was unable to make restitution payments. Based on Mr. Kinney's physical and psychological limitations he was eventually able to qualify for disability benefits which he began to receive in August 2005. Since receiving a stable income, Mr. Kinney has been contributing \$50 a month towards his outstanding special assessment. His current special assessment balance is approximately \$425 and his restitution balance remains at \$34,107.06. Mr. Kinney understands he must continue to pay restitution until this obligation is satisfied. Additionally, the United States Attorney's Office, Financial Litigation Unit, was informed of Mr. Kinney's termination from supervision.

Respectfully submitted,
/s/ Scott J. Waters

Scott J. Waters
Senior United States Probation Officer
Telephone: (559) 499-5726

DATED: May 2, 2006
Fresno, California
SJW/sjw

Reviewed by: /s/ Bruce Vasquez
Bruce A. Vasquez
Supervising United States Probation Officer

THE COURT ORDERS:

X That supervision expire as scheduled on May 17, 2006, with restitution balance.

IT IS SO ORDERED.

Dated: May 2, 2006
emm0d6

/s/ Oliver W. Wanger
UNITED STATES DISTRICT JUDGE